



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25251 of 2025

Tapan Kumar Mishra

....

Petitioner(s)

Represented by Adv.-

Mr. S. K. Garnayak, Advocate

-Versus-

State of Odisha and others

....

Opposite Party(s)

Represented by Adv.

Mr. Jayanta Kumar Bal, AGA

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

06.04.2026

(Hybrid mode)

Order No.

05.

1. Heard learned counsel for the parties.

2. The petitioner claims to have performed the duty of a public prosecutor, being appointed as an Additional Public Prosecutor in the Court of the learned Additional District Judge-cum-Special Judge, Champua, Keonjhar from 01.11.2022 to 28.06.2024. His grievance is that the professional fee for the said period amounting to Rs.4,76,675/- has not been paid to him by the Law Department of the State. He further averred that despite submission of the bills and thereafter representation, the bills have not been cleared. Therefore, he filed the present writ petition, *inter alia*, making the following prayer:-

“The petitioner therefore prays that the Hon'ble Court may graciously be pleased to admit the Writ Petition, issue notice to the



Opposite Parties after hearing the parties to this Writ Petition may further be pleased to issue a Writ of mandamus or any other appropriate Writ directing the opposite parties to release the arrear amount for the period of 1.11.2022 to 28.6.2024 in favour of the petitioner for ends of justice.”

3. Vide order dated 17.11.2025, this Court directed the opposite parties to make good the payments, if there is no other legal impediment. But the opposite party No.4 filed counter affidavit to the writ petition, raising objection regarding the maintainability of the writ petition, besides challenging the claim of the petitioner on merits.

4. We have perused the writ petition and the documents enclosed therewith and have also taken into consideration the contentions raised by the opposite party No.4 in the counter affidavit. In so far as the maintainability of the writ petition is concerned, we are not inclined to delve upon the same at this stage. On merits, it is seen that the objections raised by the opposite party No.4 for non-payment of the professional fee of the petitioner sounds to be genuine as it is contended by the opposite party that the bills submitted by the petitioner are neither authenticated nor countersigned by the competent authority.

5. On perusal of the Annexure-2 series, it reveals that although the petitioner has submitted the bills, however, none of them have been countersigned by the learned Additional District and Sessions Judge-cum-Additional Special Judge, Champua, before whom the



petitioner had appeared on various dates and assisted the Court in the capacity of a Public Prosecutor. Even the certified copy of the proceedings, on the basis of which the petitioner claims to have appeared before the Court on different dates of hearing, have been attached to the bills submitted by him. Therefore, the objection taken by the opposite party No.4 appears to be correct.

5. At this stage, learned counsel for the petitioner submits that he would rather withdraw this writ petition with liberty to approach the opposite parties afresh for clearance of his due bills by filing duly authenticated bills and meet all the objections raised by the competent authorities.

6. The prayer made by the learned counsel for the petitioner deserves merit. Hence, we allow him to withdraw the writ petition with liberty to the petitioner to submit fresh authenticated bills. If such bills are submitted before the competent authority, the same shall be processed if there is no legal impediment and the payment shall be made in accordance with law.

7. With this observation, the writ petition stands disposed of.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge